

REMARKS/ARGUMENTS

Claims 1, 2, 7, 9, 10, and 12 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,347,683 to Maxim ("Maxim").

Claim 3 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim.

Claims 3 and 5 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of United States Patent No. 5,989,091 to Rodgers ("Rodgers").

Claims 4 and 8 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over FIGS. 12 and 13 of Maxim in view of FIG. 7 of Maxim.

Claim 6 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim.

Claim 9 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim.

Claim 11 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of United States Patent No. 5,738,526 to Cerda et al. ("Cerda et al.").

Claims 13, 14, 16, 19, 20, 22, and 24 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of United States Patent No. 5,040,415 to Barkhoudarian ("Barkhoudarian").

Claim 15 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of United States Patent No. 6,790,121 to Llorens ("Llorens").

Claims 17 and 21 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of FIG. 7 of Maxim.

Claim 18 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of Rodgers.

Claim 23 stands finally rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of Cerda et al.

Applicant wishes to thank the Examiner for her time in conducting an interview with the Agents of Record on September 12, 2005.

Claims 2 and 13 to 19 have been cancelled without prejudice.

The remaining claims have been amended to overcome the above rejections and/or to better define the invention. No new matter has been entered by these amendments. Consequently, the Examiner is respectfully requested to consider the amended claims in view of the following comments.

Pursuant to Agent's discussion with the Examiner, all the claims of the application have been limited to amusement articles. Claims 1, 7 and 20 are the remaining independent claims in the application. Each of claims 1, 7 and 20, has been amended to recite an amusement article that *comprises, inter alia, a toy*, as requested.

Each of claims 1, 7 and 20, as amended, also recites the following:

wherein ~~at least one pairs said probes~~ a probe pair is activated to an activated probe pair when bridged by a conductive liquid to form a closed circuit, said control unit registers activation of ~~said at least one pair~~ activated probe pairs and said control unit is adapted to actuate at least one pre-determined response only after said control unit registers at least two activated probe pairs, said response being dependent on a sequence in which the at least ~~one pair~~ two activated probe pairs is are activated.

As suggested by the Examiner, Applicant has amended the independent claims of the application to more explicitly define the invention and to more clearly claim a toy that has a control unit that (i) registers the sequence of activation of probe pairs (each forming a closed circuit when bridged by a conductive liquid), and (ii) actuates, after activation of at least two probe pairs, different responses depending on this sequence of activation. A response being generated *only after* at least two probe pairs are activated and said response being *dependent on the sequence of activation* is neither taught nor suggested by Maxim (U.S. Patent No. 4,347,683) or any of the other cited references. In particular, Maxim discloses hard-wired probe pairs (see items 1, 2, and 3 in FIG. 12 of Maxim) which generate responses based on the individual activation of each probe pair. Each probe pair 1, 2, 3 in Maxim consists of first and second predetermined probes.

The hard-wired nature of the probe pairs in Maxim is evident from FIGS. 7 and 8 which do not include any circuitry for identifying a sequence of operation. Hence, the present invention is fundamentally different from Maxim where the response generated simply depends on which probe pair (again consisting of two predetermined probes) happens to be activated at a given time.

As claimed, the present invention has certain advantages that cannot be said to be present in the references cited by the Examiner. For example, as disclosed in the description, different responses can be actuated depending on the direction of the flow of the conductive liquid. Direction of flow, not only orientation of the toy, will affect which probe pairs are activated and in what sequence.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. In the event the Examiner is of the opinion that further amendments to the claim language are necessary in order to effect allowance, as discussed, the Examiner is invited to contact the Agents of Record.

Respectfully submitted,
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